

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

NO. 4:15-CR-515

DANIEL NATHAN WEST

MOTION TO WITHDRAW AND APPOINT SUBSTITUTE COUNSEL

The defendant, **DANIEL NATHAN WEST**, through his counsel, moves this Court to permit the withdrawal of appointed counsel, Thomas S. Berg, and for the appointment of new counsel from the Criminal Justice Act Panel, as follows:

I.

Harris County, Texas elected a new district attorney, Ms. Kim Ogg, in November 2016. She assumed office on January 1, 2017. She requested that Mr. Berg come serve the people of Harris County as her First Assistant District Attorney. He accepted and will assume the duties of that office on February 15, 2017.

III.

State law does not permit the district attorney of Harris County to engage in the private practice law. That prescription applies to her assistants. Mr. Berg will not be able to continue representation of this defendant. Accordingly, on behalf of the defendant, Mr. Berg moves the Court to approve his withdrawal and to appoint substitute counsel under the Criminal Justice Act.

Respectfully submitted,

THOMAS S. BERG

/s/ Thomas S. Berg
Southern District of Texas No. 3731
Texas State Bar No. 02189200
4306 Yoakum Blvd., Suite 400
Houston, TX 77006
Telephone: 713.236.1900
Fax: 713.228.0321

CERTIFICATE OF SERVICE

I certify that a copy of this motion was served on opposing counsel and all other interested parties via Electronic Case Filing this 30th day of January 2017.

/S/ Thomas S. Berg_____

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

NO. 4:15-CR-515

DANIEL NATHAN WEST

ORDER

The motion of appointed counsel, Thomas S. Berg, to withdraw is GRANTED.
Substitute counsel from the Criminal Justice Act Panel shall be appointed forthwith.

SIGNED at Houston, Texas, this the ____ day of January 2017.

UNITED STATES DISTRICT JUDGE